UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY MENDES and DORIS MENDES,) Plaintiffs,) v.) CENDANT MORTGAGE,) Defendant.)	) Civil Action No. 05CV11765DPW

DEFENDANT'S MOTION IN LIMINE TO PRECLUDE PLAINTIFFS' EXPERT FROM TESTIFYING AND TO STRIKE EXPERT'S REPORT

Defendant PHH Mortgage Corporation, f/k/a Cendant Mortgage respectfully requests that this Court preclude Plaintiffs' experts, Susan L. Mitchell, Peter D. Tetreault, and Connor Shortsleeve, from testifying in this action and that the Court strike Mr. Shortsleeve's expert report that was filed in support of the Opposition of Plaintiffs Anthony and Doris Mendes to Defendant's Motion for Summary Judgment.

As grounds for this motion, Defendant states that (1) Plaintiffs' experts are not qualified to offer their proposed expert opinions; and (2) Plaintiffs' expert are precluded from offering their opinions by the Supreme Court's holding in Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579 (1993) and Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137 (1999), as those cases are codified at Federal Rule of Evidence 702.

Defendant requests an evidentiary hearing on this motion.

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Defendant submits a memorandum of law in support of this motion.

PHH MORTGAGE CORPORATION,
f/k/a Cendant Mortgage,

By its attorneys,

/s/Andrew Keith Goldstein
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Dated: December 1, 2006

CERTIFICATE OF SERVICE

I, Andrew Keith Goldstein, hereby certify that on December 1, 2006,a true copy of the foregoing document, filed through the ECF system will be sent electronically to Plaintiffs' counsel, Christopher J. Trombetta, Law Office of Christopher J. Trombetta, 310 North Main Street, Mansfield, MA 02048.

/s/ Andrew Keith Goldstein
Andrew Keith Goldstein

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